

## JUDICIARY

DATE 2-8-07

[illegible]

**MONTANA STATE SENATE  
2007 LEGISLATURE**

**VISITOR REGISTER**

**JUDICIARY**

**DATE** February 8, 2007

**BILLS BEING HEARD TODAY** SB 300, 392, SJ 8

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Ed Tinsley	447-8302	Lewis & Clark County	SB 300	✓	
PHIL ISRD	431-1109	SELF	SB 300	✓	
Jan Weber	447-2202	State Bar of MT	STR 8		
Bette Hef-Meyer	449-8611	Healthy Mothers Healthy Babies	SB 300	✓	
Betty Hef-Meyer	449-8611	Healthy Mothers Healthy Babies	" "	✓	
Paul K. Crimstad	441-4695	DOJ-MHP	SB 300	X	
Maureen Olson	442-1233	MT Auto Dealers	SB 300	✓	
Patty Carrell	449-8611	Safe Kids Montana	SB 300	Information	Witness
SALLY BUCKLES	202-2733	MT EMS ASSN	SB 300	X	
Mike O'Brien	447-2500	St. Peter's EMS	SB 300	X	
Traci Nielson	444-2371	CPS Technician	SB 300	X	
BARRY SANG	442-6600	MMCA	SB 300	X	
Kristina	443-8714	self	SB 300	X	
MaryAnn O'Malley	843-4237	Montana Magistrates Assoc	SB 392		✓
David O'RTLEY	257-4062	MONTANA MAG. ASSOC.	SB 392	SR 8	✓
Beth M. Loughlin	841-2906	Court Admin	SB 392	information	
Brady J Cox	543-6646	Board of Bar Examiners	STR 8		X
Tom GLENDENING	443-5976	SELF	SB 300		X
Jessica Swartz	273-2491	SELF	SB 300	X	
Robert N. Hurd, MD	406-2382747	MT Comm. on Trauma/Injury Clinic	SB 300	X	
Melanie Reynolds	406-457-8910	MT Public Health Assoc	X		

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Jenny Haubenreiser	406 994.2337	MADD	SB 300	X	
GORDON MORRIS	422-5381	h-c. County / seif.	SB 330	X	
Betsy Brandtlogn	447-2205	State Bar of MT	SJ 8		X
ROGER McGowan	442-9555	IIAM	SB 300	X	
Mike Foster	237-3038	SVH, SJH, ITH, WMH	SB 300	X	
Jason Todhunter	253-3807	MLA	SB 300	X	
Tim Schumacher	447-8108	AAA @ Montana Ady. Panel	SB 300	X	
Steve Yeakel	443-1674	MT Council for Mental & Child Health	SB 300	✓	
JANE HAMMAN	933 8203	MTEA	SB 300	X	
Steve HELGERSON	444-1286	State Medical Officer (PHHS)	SB 300	X	
Claudia Winters	258-6641		SB 300	X	
Pat Melny	442-7450	Mont. Med. Ass'n	SB 300	✓	
Jefferson	459-3344	Me	SB 300		X
Tami McCall	670-3084	Bullings Chives	SB 300	X	
Doug Kuntzweiler	431 8068	St Pats Helen	SB 300	X	
Kelsey Samson	459-8363	Self	SB 300	X	
Malia Solta	204-885-1001	Self	SB 300	✓	
Leticia Toales	—	Self	SB 200	✓	
John Parker	868-3695	Self	SB 300	X	
Dwight Easton	290-5010	Farmers Ins Grp of Cos	SB 300	X	
FRANK J. SMITH	768-3941	SD-16	SB 300	X	

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## **MONTANA DEPARTMENT OF JUSTICE**

### **SB 300: Child Restraint and Primary Seat Belt Law**

#### **Child Restraint Changes**

Nationwide, traffic crashes are the leading cause of death for children from age 3 through 19, partly due to the nonuse or improper use of child safety seats and seatbelts.

SB 300 creates a cohesive, comprehensive approach to Montana's vehicle occupant protection laws by incorporating Montana's existing child restraint laws, which are now in the vehicle equipment codes, into Montana's seatbelt use requirement, MCA 61-13-103. The bill also:

- updates the child restraint law in accordance with model laws advocated by the National Highway Safety and Transportation Administration (NHTSA), Advocates for Highway and Auto Safety, and other child passenger safety advocates, and
- requires use of appropriate child safety restraints for children under 8 years of age.

NHTSA's new "4 Steps for Kids" campaign aims to help parents choose the correct restraint for each stage of their child's development. The four steps are:

1. rear-facing infant seats (birth to at least 1 year, and 20 pounds);
2. forward-facing toddler seats (1 to 4 years, 20 to 40 pounds);
3. booster seats (about age 4 to at least age 8, over 40 pounds, unless 4'9" tall); and
4. lap and shoulder safety belts (8 years and older).

Booster seats can substantially reduce the risk of death and injury to children through age 7, yet only 19 percent of 7-year-olds use them. Many children in this age group are being put at increased risk of injury or death due to inappropriate restraint in adult seat belts or lack of any restraint at all.

#### **Seat Belt Changes**

Montana now has a secondary seat belt law – an officer may not stop a motorist for a seat belt violation. This bill changes the statute to a primary seat belt law. This would allow a law enforcement officer to write a citation when he or she observes an unbelted driver or passenger.

In the six years from 2000 to 2005, 1,267 people were killed in traffic crashes in Montana (excluding pedestrians, motorcyclists, bicyclists, ATVs). Of these 1,267 fatalities:

- **935 people or 74 percent were not properly restrained**
- **627 people or 49 percent were either totally or partially ejected from the vehicle in which they were traveling**

Year	Fatalities*	Not Ejected	Totally Ejected	Partially Ejected
2000	207	116	73	18
2001	205	100	90	15
2002	230	120	91	19
2003	232	121	87	24
2004	191	95	78	18
2005	202	88	94	20
<b>Total</b>	<b>1,267</b>	<b>640</b>	<b>513</b>	<b>114</b>

\* (excluding pedestrians, motorcyclists, bicyclists, ATV riders, etc.)

## The Economic Toll

In addition to the tragic loss of human life, fatalities and incapacitating injuries exact an enormous economic toll. When someone is injured or killed in a traffic crash, society pays many of the costs. These costs include lost wages and productivity, emergency services, uninsured medical care, tax-supported rehabilitation programs, increased insurance fees and others.

National data from an April 2002 report from the National Highway Traffic Safety Administration show that traffic crashes result in \$17 billion in medical care and emergency services expenses each year. Medicare, Medicaid and other taxpayer-funded sources pay 24 percent of those costs.

**Yellowstone County Crashes:** A special project analyzed crash statistics for Yellowstone County crashes in 2003. The study found that:

- Compared to belted crash occupants, people who were unbelted in a crash were 25 times more likely to die.
- Unbelted occupants were 7.3 times more likely to require inpatient hospitalization and twice as likely to require emergency department medical care.
- The average medical costs for an unbelted inpatient (\$48,700) were more than twice as much as for a belted inpatient (\$20,700).

## Success Stories

Primary seat belt laws have a proven track record of dramatically increasing seat belt use in this country.

- **Washington:** Washington's primary enforcement law took effect June 13, 2002. During 2005, Washington's seat belt use rate was 95 percent, one of the highest in the country.
- **Michigan:** In 1999, the seat belt use rate in Michigan was 70 percent. After Michigan changed its belt law to primary enforcement, seat belt use climbed in 2000 to 84 percent. Belt use was even higher in 2005 at 93 percent.
- **Alabama:** After the introduction of its primary enforcement law, Alabama's seat belt usage rate rose dramatically, from 58 percent in 1999 to 82 percent in 2005.

## Summary

SB 300 would:

- better protect children by requiring the appropriate use of child safety restraints for children under 8 years of age, and
- create a primary seat belt law that allows law enforcement officers to stop or cite a driver when the officer observes an unbelted driver or passenger. This would send a message that Montana views seat belt use as essential to operating a motor vehicle in our state.

## **Testimony on Senate Bill 300 ~ Proponent**

**Senate Judiciary Committee ~ February 8, 2007**

My name is Tim Schumacher. I am here today representing over 107,000 AAA Montana members as a strong proponent of SB 300.

We're here today not to advocate for frequent change, but rather to keep our laws in line with the progress of the human mind-the evidence is clear and the costs of inaction are astronomical. The time to pass primary enforcement of the seat belt law and child passenger safety seats has come.

Driving on our public roadways safely requires collective responsibility. Motorists do not have a choice whether to follow any of our traffic rules, except for seatbelts or making sure their child is properly restrained. However, no other traffic rules are more critical to public safety than enforcement and compliance with our current secondary seat belt law, but consistently ignored by about 20% of Montanans. We've hit the ceiling on traffic safety in this state as long as the belt law remains essentially optional for motorists.

For those who believe that it is their right to die and shouldn't be told to wear their seat belt- they are wrong; dead wrong. The impact of a crash of those not wearing a seat belt extends far beyond those involved and their families. It affects every Montanan and is an imposition on every Montanans rights when they are forced to pay more money for health costs for people who choose not to wear their seat belt.

*Think about this: the economic cost of crashes in Montana each year on average is \$621 million. That is \$688 for every Montanan. Adding to the impact is the fact that 74% of that cost is paid by citizens not even involved in the crashes.*